

1 KELLEY DRYE & WARREN LLP  
2 Lauri A. Mazzuchetti (*pro hac vice*)  
3 Edward J. Mullins III (*pro hac vice*)  
4 One Jefferson Road, 2<sup>nd</sup> Floor  
5 Parsippany, New Jersey 07054  
6 Telephone: (973) 503-5900  
7 Facsimile: (973) 503-5950  
8 lmazzuchetti@kelleydrye.com  
9 emullins@kelleydrye.com

10 KELLEY DRYE & WARREN LLP  
11 Lee S. Brenner (State Bar No. 180235)  
12 Catherine D. Lee (State Bar No. 258550)  
13 10100 Santa Monica Boulevard, 23<sup>rd</sup> Floor  
14 Los Angeles, CA 90067-4008  
15 Telephone: (310) 712-6100  
16 Facsimile: (310) 712-6199  
17 lbrenner@kelleydrye.com  
18 clee@kelleydrye.com

19 Attorneys for Defendants Sunrun Inc. and Clean Energy  
20 Experts, LLC

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

LYNN SLOVIN, an individual, on her own  
behalf and on behalf of all others similarly  
situated,

Plaintiff,

v.

SUNRUN, INC., a California corporation,  
CLEAN ENERGY EXPERTS, LLC, a  
California limited liability company doing  
business as SOLAR AMERICA, and DOES 1  
through 5, inclusive,

Defendants.

Case No. 4:15-cv-05340-YGR  
(Hon. Yvonne Gonzalez Rogers)

**DECLARATION OF LAURI A.  
MAZZUCHETTI IN SUPPORT OF  
DEFENDANTS' MOTION TO STRIKE**

*[Notice of Motion and Motion, Long Decl.,  
Peelle Decl., and [Proposed] Order filed  
concurrently herewith]*

Date: October 11, 2016  
Time: 2:00 p.m.  
Place: Courtroom 1

TAC Filed: July 12, 2016  
Trial Date: None Set

## **DECLARATION OF LAURI A. MAZZUCHETTI**

I, Lauri A. Mazzuchetti, declare as follows:

3           1. I am a partner at Kelley Drye & Warren LLP, and counsel of record for Defendants  
4 Sunrun Inc. and Clean Energy Experts, LLC (“Defendants”). I have personal knowledge of the  
5 facts set forth herein. If called as a witness, I could and would competently testify to the matters  
6 stated herein.

7       2.      On December 21, 2015, Plaintiff's and Defendants' counsel discussed Plaintiff  
8 serving subpoenas on telecommunications companies to investigate who called Lynn Slovin.

9       3.     I agreed with Plaintiff's counsel that it was important to identify who placed the  
10      alleged calls, due to the concern that the calls at issue in this lawsuit had no tie to Defendants.

11       4.     In turn, Plaintiff's counsel served rounds of subpoenas on certain  
12 telecommunications companies on January 26, 2016, and subsequently on February 16, 2016.

13       5.      On March 31, 2016, counsel for Plaintiffs Lynn Slovin, Sam Katz, and Jeffrey  
14      Price (“Plaintiffs”) informed me that Plaintiffs intend to serve additional subpoenas to  
15      telecommunications carriers for calls to Slovin, Katz, and Price in an attempt to identify, if  
16      possible, who placed the calls allegedly received by the Plaintiffs.

17       6.      I am aware of at least 25 subpoenas that Plaintiffs have served in connection with  
18 this lawsuit, in Plaintiffs' attempt to figure out whether any of the calls that Plaintiffs received  
19 could be attributed to Defendants.

20       7. Plaintiffs allege that Katz received an unwanted call on August 18, 2015. My firm  
21 produced documents regarding Katz's expressly opting in to receive the call.

22 8. My firm produced a document indicating that the April 26, 2016 call to Birkhofer  
23 was made after the vendor received prior express written consent to call Birkhofer's number.

24       9.       In Plaintiffs' July 26, 2016 response to Interrogatory No. 8 seeking the complete  
25 factual basis for their allegation that the calls were made by Defendants or persons "acting at  
26 [their] direction," Plaintiffs asserted blanket objections and claimed that they had not "had a  
27 reasonable opportunity to complete discovery." Attached as Exhibit A is a true and correct copy  
28 of the relevant excerpts of Slovin's, Price's and Katz's Responses to Sunrun's First Set of

1 Interrogatories.

2 9. As seen in Slovin's Responses to Interrogatory No. 12, Plaintiffs assert that on  
3 November 2, 2015, someone called Slovin from "U.S. Solar."

4 I declare under penalty of perjury under the laws of the United States of America that the  
5 foregoing is true and correct. Executed on August 19, 2016, in Parsippany, New Jersey.

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8 LAURI A. MAZZUCHETTI  
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